

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

DANE MOZELLE WEAVER,

Case No. 1:15-cv-644

Plaintiff,

Dlott, J.

Bowman, M.J.

v.

INGERSOLL-RAND CO.,
d/b/a Steelcraft,

Defendant.

REPORT AND RECOMMENDATION

On October 2, 2015, the *pro se* Plaintiff initiated this employment discrimination action *in forma pauperis*. Liberally construed, Plaintiff alleges that she has been subjected to discrimination on the basis of race, national origin, age, gender, and disability, and that she has been retaliated against based upon the filing of prior workers compensation claims and/or “whistleblower” type complaints to management/union representatives. (docs. 2, 3).

On October 29, 2015, the Court directed the parties to comply with the provisions of Fed. R. Civ. P. 26(f) and submit their Joint Discovery Plan no later than November 23, 2015 (doc. 7). Upon review of the subsequently filed Joint Discovery Plan (doc. 9), the Court notes that, in spite of Defendant’s attempts to contact Plaintiff to participate in the plan’s preparation, she refused to talk to counsel. Additionally, Plaintiff failed to appear at the December 15, 2015 telephone scheduling conference, to which she was given proper notice of on November 30, 2015 (doc. 11). The Court also made attempts

to contact Plaintiff directly to instruct her to call into the conference, however, Plaintiff did not answer her phone, and her voicemail box was full.

Therefore, on December 16, 2015 Plaintiff was expressly “**ORDERED TO SHOW CAUSE**, in writing on or before **January 7, 2016**, why this matter should not be dismissed for failure to prosecute and failure to comply with an Order of the Court.” (doc. 13). Plaintiff was warned that her “[f]ailure to timely comply with this Order will result in a Report and Recommendation to the District Judge that this matter be dismissed for the reasons outlined herein.” (*Id.*).

Plaintiff failed to comply with the “Show Cause” order, and the time for doing so expired a week ago. Accordingly, **IT IS RECOMMENDED THAT** this case be **dismissed with prejudice** and CLOSED for failure to comply with the Orders of this Court and for failure to prosecute.

s/ Stephanie K. Bowman
Stephanie K. Bowman
United States Magistrate Judge

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NOTICE

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to this Report & Recommendation ("R&R") within **FOURTEEN (14) DAYS** of the filing date of this R&R. That period may be extended further by the Court on timely motion by either side for an extension of time. All objections shall specify the portion(s) of the R&R objected to, and shall be accompanied by a memorandum of law in support of the objections. A party shall respond to an opponent's objections within **FOURTEEN (14) DAYS** after being served with a copy of those objections. Failure to make objections in accordance with this procedure may forfeit rights on appeal. See *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).